

REGULAR MEETING
May 13, 1996

The Regular Meeting of the Annapolis City Council was held on May 13, 1996 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Alderman Tullier offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden, DeGraff, Moyer

Alderman Turner arrived at 7:31 p.m.

Staff Present: City Attorney Goetzke, Planning and Zoning Director Fogarty, Public Works Director Patmore, Personnel Director Davis, Recreation Director Callahan, Finance Director Sulick, Central Services Officer Harrison

Alderman Snowden moved to approve the Minutes of 4/1/96 and 4/8/96. Seconded. CARRIED on voice vote.

Mayor Hopkins presented Service Awards to the following City employees:

Richard B. Callahan	Recreation and Parks	30 Years of Service
Robert E. Beans, Sr.	Police Department	25 Years of Service
Larry G. Callis	Police Department	25 Years of Service
Jay B. Craig	Police Department	25 Years of Service
James L. Kirchner	Fire Department	25 Years of Service
Walter L. Weldon	Fire Department	25 Years of Service

Mayor Hopkins and Col. Richard Smith presented Awards to the following members of the Presidents' Hill Community Association:

John Clemens
Donald Klingenberg
Robin Clark
Amy McDonald
Katie McDevitt
Sarah Eder

Mayor Hopkins presented a Proclamation recognizing Safe Boating Week.

The regular order of the Agenda was amended to allow a Legislative item.

RESOLUTIONS

R-18-96 For the purpose of expressing the deep regret and sympathy of the Annapolis City Council upon the death of Arthur Wheeler Holt, Sr.

Alderman Snowden moved to adopt R-18-96. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 8-0

Mayor Hopkins recognized the family of Arthur Wheeler Holt, Sr.

The regular order of the Agenda was resumed.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Geoffrey Bridges, Vice President
Greater Annapolis Chamber of Commerce
14 Constitution Square
Annapolis, Md. 21401

Spoke regarding the Capital Improvement Program Budget.

2. Richard L. Hillman, Chair
Planning Commission

Presented the Commission's recommendations on the Capital Improvement Program Budget.

SPECIAL ORDER OF BUSINESS - ANNEXATION

For Introduction Purposes Only

R-21-96 For the purpose of annexing certain property lying near Bywater Road, contiguous to the existing boundary of the City of Annapolis.

Alderman Snowden moved that the applicants work with the Public Works and Planning and Zoning Departments to provide the necessary studies for proper consideration of this petition. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 8-0

ACTION ON APPLICATIONS AND APPEALS

R-14-96 Action Plan: 1995 Inner West Street

Alderman Snowden moved to adopt R-14-96. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 8-0

R-15-96 Clay Street Revitalization Plan

Alderman Snowden moved to adopt R-15-96. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 8-0

R-19-96 Application of the Anne Arundel County Economic Opportunity Committee, Inc. and the Housing Authority of the City of Annapolis for a conditional use to expand an existing educational facility (Obery Court

Head Stat Center) on property located at 110-112 Clay Street.

Alderman Snowden moved to adopt R-19-96. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden,
Turner, DeGraff, Moyer

CARRIED: 8-0

R-20-96 Application of Mericare Associates Limited Partnership for a conditional use to establish a senior care facility on property located on Bembe Beach Road across from Elizabeth Drive, Annapolis.

Alderman DeGraff moved to adopt R-20-96. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden,
Turner, DeGraff, Moyer

CARRIED: 8-0

LEGISLATIVE ACTION

ORDINANCES

O-22-95 For the purpose of revising the City of Annapolis Public Ethics Laws to clarify those circumstances under which City employees and officials are disqualified from participating in City matters as a result of conflicts of interest; to preclude the use of prestige of one's office for personal gain; to specify restrictions on outside employment by City employees; to restrict the solicitation and acceptance of gifts; to preclude the use of certain confidential information; to provide for advisory opinions in ethics matters; and all matters relating to said Public Ethics Laws.

Alderman Snowden moved to adopt O-22-95 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-22-95.

Alderman Johnson moved to amend O-22-95 as follows:

Amendment No. 1:

On Page 3, line 22, immediately following "consideration of" strike "one" and substitute "FIVE".

Amendment No. 2:

On Page 3, line 28, immediately following "COUNCIL" add "ACTION".

Amendment No. 3:

On Page 8, line 16 immediately following "PERSONAL" add "FINANCIAL OR ECONOMIC".

Amendment No. 4:

On Page 11, line 5, immediately following "EXCESS OF" strike "ONE" and substitute "FIVE".

Amendment No. 5:

On Page 12, line 9, strike "BY THE CITY" and substitute "BY HIS OR HER AGENCY, BOARD OR COMMISSION".

Amendment No. 6:

On Page 13, line 7, immediately following "CITY COUNCIL" add ", EMPLOYEES, BOARD OR COMMISSION MEMBERS".

Amendment No. 7:

On Page 13, beginning on line 8 strike "EVENTS OR CHARITABLE, CULTURAL, OR POLITICAL" and substitute ", CHARITABLE, OR CULTURAL".

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden,
Turner, DeGraff, Moyer

CARRIED: 8-0

Alderman Johnson moved to amend O-22-95 as follows:

Amendment No. 8:

On Page 7, line 15, strike "A MEMBER" and substitute "AN OFFICER, BOARD MEMBER, OR IN A POLICY MAKING POSITION".

Seconded.

There being no voiced objection, Amendment No. 8 was amended as follows:

On Page 7, line 15, strike "A MEMBER" and substitute "AN OFFICER, BOARD MEMBER, AD HOC COMMITTEE MEMBER OR SPOKESPERSON, OR IN A POLICY MAKING POSITION".

A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden,
Turner, DeGraff, Moyer

CARRIED: 8-0

Alderman Johnson moved to amend O-22-95 as follows:

Amendment No. 9:

On Page 7, strike lines 19 through 24 in their entirety.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Turner
NAYS: Aldermen Tullier, Snowden, DeGraff, Moyer
DEFEATED: 4-4

Aldermen Johnson moved to amend O-22-95 as follows:

Amendment No. 10:

On Page 8, line 22 immediately following "IT" strike "SHALL" and substitute "MAY".

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Turner,
DeGraff, Moyer
NAYS: Alderman Snowden
CARRIED: 7-1

Alderman DeGraff moved to amend O-22-95 as follows:

Amendment No. 11:

On Page 5, line 20, strike "PERMITTED" and insert in lieu thereof "PRECLUDED"; and in line 23, strike "NOT"; and in line 24 strike "EXCEPT IN THE EXERCISE OF" and insert in lieu thereof "INCLUDING"; and in line 25 strike "DOES NOT AFFECT" and insert in lieu thereof "AFFECTS".

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen DeGraff, Moyer
NAYS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden,
Turner
DEFEATED: 6-2

Alderman Snowden moved to adopt O-22-95 as amended on second reading.
Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Tullier, Snowden, Moyer
NAYS: Aldermen Hammond, Turner, DeGraff
CARRIED: 5-3

Alderman Snowden moved to adopt O-22-95 as amended on third reading.
Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Johnson, Tullier, Snowden, Moyer
NAYS: Mayor Hopkins, Aldermen Hammond, Turner, DeGraff
DEFEATED: 4-4

O-4-96 For the purpose of repealing and re-enacting in its entirety, Chapter 21.94; re-establishing the mixed use district with certain modifications and clarifications; and all matters relating to said district.

Alderman Snowden moved to adopt O-4-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-4-96.

Alderman DeGraff moved to amend O-4-96 as follows:

Amendment No. 1:

On Page 15, line 5, add the following:

H. 1. THE FOLLOWING USE IS PERMITTED SUBJECT TO THE STANDARDS ENUMERATED IN SUBSECTION H.2 OF THIS SECTION: PHILANTHROPIC INSTITUTIONS PROVIDING

SERVICES TO GENERAL PUBLIC AS FOLLOWS:

- A. FOR PURPOSES OF THIS SECTION, A "PHILANTHROPIC INSTITUTION PROVIDING SERVICES TO GENERAL PUBLIC" SHALL MEAN A PRIVATE, NONPROFIT ORGANIZATION WHOSE PRIMARY FUNCTION IS TO PROVIDE EITHER HEALTH, SOCIAL, RECREATIONAL, RELIGIOUS, OR BENEVOLENT SERVICES, OR RESEARCH OR EDUCATION ACTIVITIES IN THOSE AREAS OF BENEFIT TO THE PUBLIC THAT INCLUDE BUT ARE NOT LIMITED TO HEALTH, MEDICINE OR CONSERVATION OF NATURAL RESOURCES.
 - B. AN ORGANIZATION FOR THE PURPOSE OF OPERATING A TRADE OR BUSINESS OR WHOSE PRIMARY PURPOSE OR FUNCTION IS PROMOTING THE ECONOMIC ADVANCEMENT OF ITS MEMBERS, SUCH AS A PROFESSIONAL OR TRADE ASSOCIATION OR A LABOR UNION, IS NOT A CHARITABLE OR PHILANTHROPIC INSTITUTION FOR ZONING PURPOSES.
 - C. THIS DEFINITION ALSO DOES NOT ENCOMPASS THE FOLLOWING OR OTHER USES SPECIFICALLY DEFINED OR REGULATED IN THIS ORDINANCE: PLACE OF WORSHIP, PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION, LIBRARY, MUSEUM, COMMUNITY BUILDING, PRIVATE CLUB OR SERVICE ORGANIZATION, HOSPICE, HOSPITAL, NURSING OR CARE HOME, GROUP RESIDENCE OF ANY TYPE, HOUSING FOR THE ELDERLY, HOMELESS SHELTERS OR SOUP KITCHENS.
 - D. THE FACT THAT THE ORGANIZATION IS A TAX-EXEMPT ENTITY DOES NOT, OF ITSELF, CONSTITUTE ELIGIBILITY AS A QUALIFYING USE UNDER THIS SUBSECTION, BUT THIS MAY BE CONSIDERED AS ONE OF THE FACTORS OF ELIGIBILITY, PROVIDED THE USE COMPLIES IN ALL OTHER RESPECTS WITH THIS DEFINITION.
2. USES LISTED IN SUBSECTION H.1 OF THIS SECTION SHALL COMPLY WITH THE FOLLOWING STANDARDS:
- A. A NEED FOR THE USE MUST BE DEMONSTRATED, AND THE LOCATION OF THE USE AT THE SITE SELECTED SHALL NOT RESULT IN A MULTIPLICITY OR SATURATION OF SUCH USES IN THE NEIGHBORHOOD.
 - B. ANY AREAS OR RECEPTACLES USED FOR THE COLLECTION OF PERSONAL PROPERTY OTHER THAN TRASH, INCLUDING BUT NOT LIMITED TO FURNITURE, BEDDING AND HOUSEHOLD ITEMS, SHALL BE SCREENED FROM VIEW."

Reletter subsequent sections accordingly.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Snowden, Turner, DeGraff
NAYS: Aldermen Hammond, Johnson, Tullier, Moyer
DEFEATED: 4-4

Alderman Hammond moved to amend O-4-96 as follows:

Amendment No. 1:

On Page 15, strike lines 17 and 18 in their entirety; and reletter subsequent sections accordingly.

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tullier, Moyer
NAYS: Mayor Hopkins, Aldermen Johnson, Snowden, Turner, DeGraff
DEFEATED: 5-3

Alderman Snowden moved to adopt O-4-96 on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-4-96 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden, Turner, DeGraff, Moyer
CARRIED: 8-0

- O-5-96** For the purpose of increasing certain fees for utility poles; dedicating certain revenues received from said fees for the undergrounding of wires throughout the City; and all matters relating to said utility poles.

There being no voiced objection, O-5-96 was withdrawn by its sponsor.

- O-18-96** For the purpose of establishing that the Environmental Commission shall elect a chairman from its membership; providing certain staff support; revising certain powers and duties; and all matters relating to said Environmental Commission.

Alderman Snowden moved to adopt O-18-96 on second reading. Seconded.

The Environmental Matters Committee reported favorably with amendments on O-18-96.

Alderman Hammond moved to amend O-18-96 as follows:

Amendment No. 1:

On Page 2, line 22, immediately following "MEMBERSHIP" and the punctuation period, strike beginning with "A SECRETARY" through and including the period on line 24.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-18-96 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-18-96 Amended on third reading. Seconded. CARRIED on voice vote.

- O-21-96** For the purpose of authorizing the release and reconveyance, by Release of Easement, all the rights, title and interest the City has in a certain storm

drain located at 1202 Tyler Avenue in the City of Annapolis, as shown on a Deed of Easement dated September 22, 1976 and recorded in the Land Records of Anne Arundel County, MD at Liber 2917 Page 73; and all matters relating to said Release of Easement.

Alderman Snowden moved to adopt O-21-96 on second reading. Seconded.

The Finance Committee reported favorably on O-21-96.

Alderman Tullier moved to amend O-21-96 as follows:

Amendment No. 1:

On page 2, strike the fifth "Whereas" clause in its entirety.

Seconded. CARRIED on voice vote.

Alderman Tullier moved to adopt O-21-96 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-21-96 as amended on third reading. Seconded. CARRIED on voice vote.

- O-30-96** For the purpose of requiring occupants of certain commercial property fronting on certain paved sidewalks to sweep the sidewalk on a daily basis; and all matters relating to said sidewalks.

Alderman Snowden moved to adopt O-30-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee.

- O-31-96** For the purpose of restricting parking on certain streets, on certain days during certain hours to allow street sweepers to clean those streets; to allow residential parking permit holders on those streets to park without charge in the Noah Hillman Garage in conjunction with the said parking restrictions; and all matters relating to said parking restrictions.

Alderman Snowden moved to adopt O-31-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee.

- O-35-96** For the purpose of clarifying those acts that constitute vandalism within the scope of Chapter 11.36 of the City Code; deleting the requirement that malice be proven to prove vandalism; and all matters relating to said vandalism.

Alderman Hammond moved to adopt O-35-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Public Safety Committee.

- O-36-96** For the purpose of changing the name of the Data Processing Committee to the Management Information Technology Committee; revising the composition and duties of said committee; and all matters relating to said committee.

Alderman Johnson moved to adopt O-36-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- O-37-96** For the purpose of establishing a program for the collection of recyclable materials from commercial establishments; and all matters relating to said recycling program.

Alderman Tullier moved to adopt O-37-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare and Environmental Matters Committees.

- O-38-96** For the purpose of amending the configuration of the Annapolis harbor line outboard of Port Annapolis Marina, 7074 Bembe Beach Road on Back Creek; and all matters relating to said harbor line.

Alderman Tullier moved to adopt O-38-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee and Port Wardens.

- O-39-96** For the purpose of establishing the Business Revitalization District; and all matters relating to said district.

Alderman Tullier moved to adopt O-39-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and the Rules and City Government Committee.

- O-40-96** For the purpose of establishing the Residential Revitalization Overlay District; and all matters relating to said district.

Alderman Snowden moved to adopt O-40-96 on first reading. Seconded. CARRIED on voice vote.

Referred to Planning Commission and the Rules and City Government Committee.

- O-41-96** For the purpose of allowing photography studios and camera and photographic supplies stores as permitted uses in the B1-A Expanded Convenience Shopping District; and all matters relating to said permitted uses.

Alderman Snowden moved to adopt O-41-96 on first reading. Seconded. CARRIED on voice vote.

Referred to Planning Commission and the Rules and City Government Committee.

FY97 OPERATING BUDGET

- O-32-96** For the purpose of adopting an operating budget for the City of Annapolis for the fiscal year 1996-1997, beginning July 1, 1996 and ending June 30, 1997; to appropriate funds for expenditures for the fiscal year beginning July 1, 1996 and ending June 30, 1997; and all matters generally relating to said budget.

Alderman Tullier moved to adopt O-32-96 on first reading. Seconded. CARRIED on voice vote.

- O-33-96** For the purpose of levying and imposing a property tax rate for the Fiscal Year beginning July 1, 1996 and ending on June 30, 1997, for the purpose of defraying all expenses and liabilities of the City of Annapolis and levying same for the purposes specified; providing for repayment of bonds and other indebtedness; specifying certain duties of the Director of Finance, specifying a rate of interest to be charged upon overdue property taxes; and all matters related thereto.

Alderman Snowden moved to adopt O-33-96 on first reading. Seconded. CARRIED on voice vote.

- O-34-96** For the purpose of increasing the charge for garbage and refuse collection from dwelling units; and all matters relating to said collection and charge.

Alderman Tullier moved to adopt O-34-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare Committee.

RESOLUTIONS

- R-17-96** For the purpose of adopting a capital improvement budget for the Fiscal Year 1997, and a capital improvement program for the six year period from July 1, 1996 to June 30, 2002; and all matters relating to said budget and program.

There being no voiced objection, R-17-96 was postponed to the May 20, 1996.

BUSINESS AND MISCELLANEOUS

1. Housing and Community Development Committee Minutes of 3/27/96

Alderman DeGraff moved to approve the Housing and Community Development Committee Minutes of 3/27/96. Seconded. CARRIED on voice vote.

2. Finance Committee Minutes of 4/17/96, 4/22/96, 4/23/96, 4/24/96, 4/25/96, 5/2/96

Alderman Tullier moved to approve the Finance Committee Minutes of 4/17/96, 4/22/96, 4/23/96, 4/24/96, 4/25/96 and 5/2/96. Seconded. CARRIED on voice vote.

3. Payment of Monthly Bills

Alderman Snowden moved to pay the monthly bills. Seconded. CARRIED on voice vote.

4. Appointments

Alderman Snowden moved to confirm the Mayor's appointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 5/6/96:

Commission on Aging:	Lillian Lee Margaret Eagle
Environmental Commission	Robert M. Weber
Housing and Community Development Committee	Audrey K. Zimmer

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:30 p.m.

**Patricia L. Bembe, CMC/AAE
City Clerk**